

Dated: October 2, 1997.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-821-802]

Agreement Suspending the Antidumping Investigation on Uranium From the Russian Federation

AGENCY: Import Administration, International Trade Administration, Department of Commerce

ACTION: Request for Comments.

SUMMARY: The Department of Commerce is hereby providing interested parties an opportunity to comment on proposed procedures to administer and enforce the uranium transfer provisions of Section 3112 of the USEC Privatization Act. All comments are due to the Department of Commerce within 30 days of publication of this notice.

EFFECTIVE DATE: October 7, 1997.

FOR FURTHER INFORMATION CONTACT:

James Doyle or Karla Whalen, AD/CVD Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230, telephone: (202) 482-0159 or (202) 482-0408, respectively.

Background: On April 26, 1996, the USEC Privatization Act was signed into law (Pub. L. 104-134, 42 USC 2297(h) *et seq.*). In part, the USEC Privatization Act provides for the measured delivery into the United States market of the natural uranium component of highly enriched uranium (HEU) imported pursuant to the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, dated February 18, 1993. Pursuant to Section 3112(b)(9) of the USEC Privatization Act, the Department of Commerce (the Department) is responsible for the administration and enforcement of the limitations set forth in Section 3112 of the USEC Privatization Act.

Opportunity to Submit Comments: The Department is preparing procedures to administer and enforce the limitations on the delivery of the natural uranium associated with imports of low enriched uranium (LEU) derived from HEU according to the restrictions in the

USEC Privatization Act and the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation (Suspension Agreement). The specific elements of the proposal are included in the attached Annex.

Prior to reaching a final decision on this issue, the Department is providing an opportunity for full participation on the record to parties wishing to comment. Accordingly, not later than 30 days from the date of publication of this notice, parties may submit comments with respect to the attached procedures which will govern the administration and enforcement of the limitations set forth in Section 3112 of the USEC Privatization Act. Six copies of the comments should be submitted to: Secretary of Commerce, Import Administration, Central Records Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230. All comments provided to the Department in response to this notice will be subject to release under Administrative Protective Order (APO) in accordance with 19 CFR 353.32. Therefore, all comments must properly identify information the submitter would like treated as business proprietary, and be accompanied by a properly bracketed public version. The Department will meet with interested parties upon request to explain the proposed procedures contained in the Annex to this notice. Any party uncertain of the proper procedures for filing under APO may contact the Department for further information and assistance.

Dated: October 1, 1997.

Joseph A. Spetrini,

Deputy Assistant Secretary for Group III.

Annex

Proposed Procedures For The Sale And Delivery Of The Natural Uranium Feed Component Of Highly Enriched Uranium Entries

These following proposed procedures have been developed pursuant to the Department's authority to administer and enforce the limitations set forth in Section 3112(b)(9) of the USEC Privatization Act. To avoid confusion, the Department intends to follow procedures established under the Suspension Agreement, as closely as possible.

Submission of Contracts

- Matched sales utilizing natural uranium associated with LEU imports derived from HEU (the natural uranium component), pursuant to Section 3112(b)(6) of the Act, will be reviewed and approved according to current existing matched sales procedures. The matched sales procedures and appropriate definitions are contained in the

Amendment to the Suspension Agreement (59 FR 15373 (April 1, 1994)) and related Statements of Administrative Intent which are available by contacting the Department personnel listed above.

- All contracts for the sale of the natural uranium component between any parties must be submitted to the Department.

Allocation of Natural Uranium Component According to Available Direct Delivery Quota

The Department believes that allocating the delivery quota available under section 3112(b) of the USEC Privatization Act will contribute to the efficient and equitable administration of the delivery schedule set forth in subsection 3112(b)(5) of the USEC Privatization Act. The Department intends to use the following approach to allocate the delivery quotas.

- The Department will allocate a portion of the quota to a party only upon receipt of submitted contracts and confirmation by the Department on a first-come first-served basis.

- The Department will determine the amount of quota used by a given contract by applying the maximum annual deliveries (including allowed flexibilities) under the contract to the remaining quota available for each of the appropriate delivery years.

- Consistent with Section 3112(b)(5) of the USEC Privatization Act, all requests submitted to the Department for confirmation must contain, in addition to the contract, a statement from the end-user certifying that the material will be delivered solely for consumption in the United States.

Monitoring and Enforcement

- The Department will strictly monitor and verify the movement of the natural uranium component between accounts.

- The Department will require that account balances be documented to the Department on a quarterly basis.

- The Department reserves the right to conduct on-site verifications of documentation reflecting natural uranium component transactions.

- Procedures customarily applied to imports of CIS-origin uranium will also apply to all physical imports into the United States of the natural uranium component.

Please also comment on the following:

- Should the Ministry of Atomic Energy of the Russian Federation license the material authorizing delivery for its intended use, in accordance with section 3112(b)(5) of the USEC Privatization Act?

- Should the Department directly monitor or approve every transfer of natural uranium component-related material between companies' accounts?

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